

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

CARPENTERS PENSION TRUST
FUND OF KANSAS CITY,
a Trust Fund, et al.,

Plaintiffs,

vs.

BRADFORD INTERIOR GROUP, LLC,

Defendant.

Case No. 18-00414-CV-W-ODS

ORDER (1) FINDING DEFENDANT BRADFORD INTERIOR GROUP, LLC IN
DEFAULT, AND (2) ORDERING PLAINTIFFS TO SUBMIT EVIDENCE ON DAMAGES

On July 27, 2018, the Court struck Rondale Bradford's pro se answer filed on behalf of Defendant Bradford Interior Group, LLC. Doc. #10. The Court ordered Defendant to file, through licensed counsel, an answer to Plaintiffs' complaint by August 16, 2018, and warned failure to do so will likely result in entry of a default judgment against Defendant. To date, Defendant has not answered Plaintiff's complaint, and the time for doing so has passed. Accordingly, pursuant to Federal Rule of Civil Procedure 55(a), the Court finds Defendant in default.

The Court next considers Plaintiffs' damages. A court may enter default judgment against a defendant found to be in default for failure to plead or otherwise defend. Fed. R. Civ. P. 55. A hearing is not necessary if there is sufficient evidence before the Court to support the default judgment. See *Stephenson v. El-Batravi*, 524 F.3d 907, 915-16 (8th Cir. 2008) (citations omitted). The factual allegations in the Complaint are taken as true, except those relating to damages. See *Everyday Learning Corp. v. Larson*, 242 F.3d 815, 818 (8th Cir. 2001) (citation omitted). The Court must determine "whether the unchallenged facts constitute a legitimate cause of action, since a party does not admit mere conclusions of law." *Marshall v. Baggett*, 616 F.3d 849, 852 (8th Cir. 2010) (quoting *Murray v. Lene*, 595 F.3d 868, 871 (8th Cir. 2010)). The Court must also determine the amount of damages either by hearing or other evidence in the record, if damages are liquidated or ascertainable. See *Stephenson*, 524 F.3d at

915-16 (citations omitted). Plaintiffs must “prove its actual damages to a reasonable degree of certainty.” *Everyday Learning Corp.*, 242 F.3d at 819. On or before September 24, 2018, Plaintiffs shall file the appropriate documents and materials described in Federal Rule of Civil Procedure 55(b)(1) to satisfy the requirements for default judgment.

The Clerk of the Court is directed to send two copies, one via certified mail and one via regular mail, of this order to:

Rondale Bradford
6220 Arlington Ave.
Raytown, MO 64133

Rondale Bradford
9546 E. 57th Terr.
Raytown, MO 64133

IT IS SO ORDERED.

DATE: August 22, 2018

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT